



U.S. Department of Justice

United States Attorney
Southern District of New York

MEMORANDUM ENDORSED

VIA ECFThe Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

June 9, 2021

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The Honorable Gregory H. Woods
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Medghyne Calonge*, 20 Cr. 523 (GHW)

Dear Judge Woods:

The Government writes on behalf of the parties to respectfully request that the Court adjourn the trial in the above-referenced case from August 4, 2021, to a date in mid-September 2021 or a convenient date thereafter.

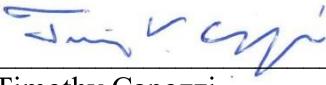
As the Court is aware, on February 19, 2021, the Court scheduled the trial in this case for September 13, 2021. Earlier this week, on June 7, 2021, the Court issued an order in which it informed the parties that this case had been assigned a trial date of August 4, 2021, and accordingly re-scheduled the trial for that date. The parties herein respectfully request an adjournment of the August 4 trial date to a date in the vicinity of the original trial date of September 13. The parties respectfully submit that such an adjournment is in the interests of justice. The defendant in this case is on bail and resides in Florida. In addition, several of the anticipated trial witnesses also reside outside of New York, including witnesses residing in Florida and Georgia. Due to the ongoing pandemic, travel for trial preparation has thus far been limited. The additional time requested herein will allow defense counsel adequate time to prepare the defendant for trial and the parties adequate time to prepare witnesses and arrange for their travel to New York to testify. An adjournment is also in the interests of the victim. At trial, the Government expects to call current and former employees of the victim to testify. The victim's counsel is currently scheduled to be on vacation from approximately June 27, 2021, until August 7, 2021. An adjournment would accordingly facilitate the victim's counsel's presence during trial preparation and at trial.

At the February 19, 2021 conference, the Court ordered exclusion of time from that date until September 13, 2021, pursuant to the Speedy Trial Act. If the adjournment requested herein is granted, the parties further respectfully request that the Court exclude the time until the new trial date. The ends of justice served by granting such an exclusion outweigh the best interest of the public and the defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). An exclusion is warranted in order for the parties to prepare and file any pretrial motions, to prepare for trial,

and to continue discussions of a potential pretrial resolution of this case.

Respectfully submitted,

AUDREY STRAUSS
United States Attorney

By: 

Timothy Capozzi
Assistant United States Attorney
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cc: Martin Cohen, Esq., Federal Defenders of New York (by ECF)

Application denied. As the parties know, as a result of the COVID-19 pandemic and the precautions undertaken by the Court because of it, the availability of trial dates is limited. Trial dates in Manhattan are assigned quarterly. The Court requested a trial date for this case in mid-September and was assigned August 4, 2021. This is the only case scheduled to go forward on that date. The Court cannot simply, as this request suggests, just get another trial date in September. The Court anticipates that it would be required to request an alternate date in the fourth quarter of the year. And any date other than the one appointed might be contingent, rather than certain. This case has been pending since October 2020; August 4 is nearly two months away. There is adequate time for the parties to prepare for trial and to have witnesses appear at it.

SO ORDERED.

Dated: June 9, 2021
New York, New York



GREGORY H. WOODS
United States District Judge